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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 ROBERT EVAN BOURNE,

9 Plaintiff,

10 v.

11 ELDON VAIL, et al.,

12 Defendants.

Case No. C09-5199BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

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14 This matter comes before the Court on the Report and Recommendation of the  
15 Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 11). The Court having  
16 considered the Report and Recommendation, Defendants' failure to file objections, and the  
17 remaining record, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and  
19 (2) This action is **DISMISSED without prejudice** because Plaintiff no longer  
20 wishes to pursue this action (Dkt. 10).

21 DATED this 16<sup>th</sup> day of July, 2009.

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24 BENJAMIN H. SETTLE  
25 United States District Judge  
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ORDER